

BILL NO. G-76-02- 21

GENERAL ORDINANCE NO. G- 07-76

AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain utility easement

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain utility easement having been filed with the Fort Wayne City Plan Commission on January 19, 1976 following a public hearing thereon, all in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (Burns Ind.Stat., 1974 Replacement, Sec. 53-744), the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following utility easement, to-wit:

A four (4) foot wide utility easement, extending 72.8 feet east from the east right-of-way of Oakland Street, lying south of Lots # 46 and # 47 in Fisher Place Addition, to the City of Fort Wayne, Indiana

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.


Councilman

APPROVED AS TO FORM
AND LEGALITY.


CITY ATTORNEY

Read the first time in full and on motion by Nuckols, seconded by Hinga, and duly adopted. read the second time by title and referred to the Committee on Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 197____, at _____ o'clock P.M., E.S.T.

Date: 2-24-76

Charles W. Hesterman
CITY CLERK

Read the third time in full and on motion by Nuckols, seconded by Hinga, and duly adopted, placed on its passage. Passed (EUST) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-VIT
TOTAL VOTES	<u>9</u>	<u>0</u>			
BURNS	<u>X</u>				
HINGA	<u>X</u>				
HUNTER	<u>X</u>				
MOSES	<u>X</u>				
NUCKOLS	<u>X</u>				
SCHMIDT, D.	<u>X</u>				
SCHMIDT, V.	<u>X</u>				
STIER	<u>X</u>				
TALARICO	<u>X</u>				

DATE: 3-9-76

Charles W. Hesterman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. 9-07-76 on the 9th day of March, 1976.

ATTEST (SEAL)

Charles W. Hesterman
CITY CLERK

James Stier
PRESIDENT OFFICER

Presented by me to the Mayor of the City of Fort Payne, Indiana, on the 10th day of March, 1976, at the hour of 11:00 o'clock A. M., E.S.T.

Charles W. Hesterman
CITY CLERK

Approved and signed by me this 11th day of March, 1976, at the hour of 4:15 o'clock P. M., E.S.T.

Rahat Elmstrong
MAYOR

Bill No. G-76-02-31

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance
amending General Ordinance No. G-97 by authorizing the vacation of a certain
utility easement

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance as PASS.

John Nuckols - Chairman

Paul M. Burns - Vice-Chairman

Vivian G. Schmidt

Winfield C. Moses, Jr.

Donald J. Schmidt

John Nuckols
Paul M. Burns
Vivian G. Schmidt
Winfield C. Moses, Jr.
Donald J. Schmidt

CONCURRED IN
DATE 29th CHARLES W. WESTERMAN, CITY CLERK



THE CITY OF FORT WAYNE

COMMUNITY DEVELOPMENT & PLANNING
division of long range planning and zoning

February 10, 1976

COMMUNICATIONS FROM CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a resolution for the vacation of the following:

A four (4) foot wide utility easement, extending 72.8 feet east from the east right-of-way of Oakland Street, lying south of Lots # 46 and # 47 in Fisher Place Addition, to the City of Fort Wayne, Indiana.

which was approved by the City Plan Commission at its regular meeting held January 26, 1976.

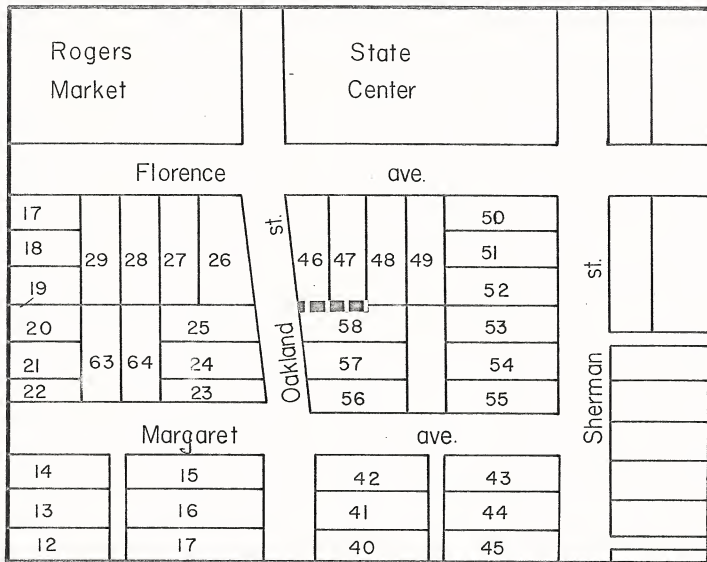
Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
10th day of February, 1976.

Joseph N. Adair
Secretary





■ ■ ■ ■ ■ Vacation of utility easement

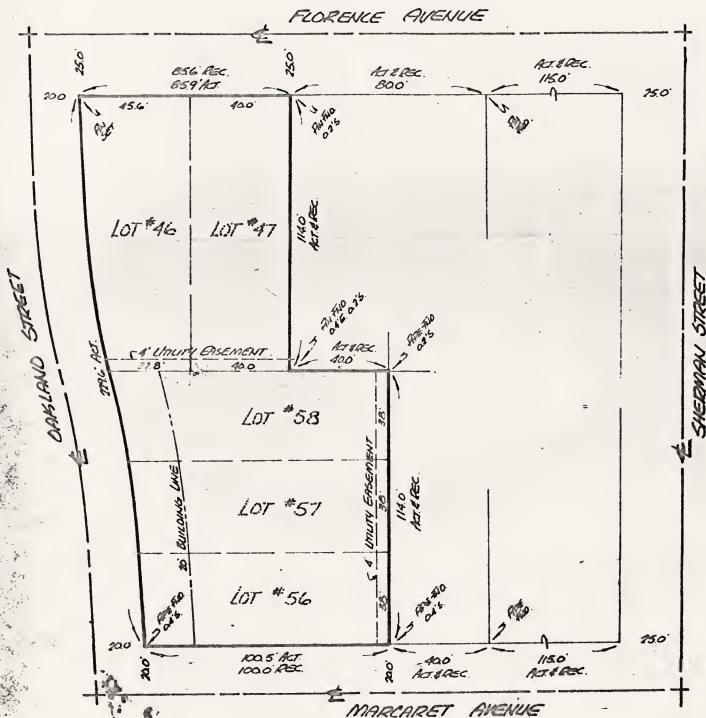
1-8-76

AA-7.

L.S.



Lots #46, #47, #56, #57 and #58 in Fisher Place Addition to the City of Fort Wayne, Indiana.



AREA = 2,250 SQ. FT.

I hereby certify on the 16TH day of MARCH, 1971 that the above survey is correct.

Surveyed for: *FISHER BROTHERS PAPER CO.*

Survey No.: *BJ-156*

10. godok K. Tajan



RESOLUTION

WHEREAS, Fisher Bros. Paper Company, Inc., have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following utility easement in Allen County, Indiana, to-wit:

Lots 46, 47 Fisher Place Addition to the City of Fort Wayne, Allen County, Indiana

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Ind. Ann. Stat. S53-744 (Burns 1964 Repl. Ed.); and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and

WHEREAS, said public hearing was held on January 19, 1976 at 7:30 o'clock p.m., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public utility easement;

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of the said utility easement hereinbefore described conforms to the general policy and patterns of development set out in the master plan of the City of Fort Wayne, Indiana; and

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said utility easement hereinbefore described be and the same is hereby approved; and

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of utility easements in Allen County, Indiana.

STATE OF INDIANA)
) SS.
COUNTY OF ALLEN)

I, Charles N. Hall, President of the Fort Wayne City Plan Commission, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said commission held on January 19, 1976, and as the same appears of record in the official records of said Plan Commission.

Dated the 26th day of January, 1976.

Charles N. Hall
President

PETITION TO VACATE EASEMENT

TO THE FORT WAYNE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

TO THE BOARD OF PUBLIC WORKS
CITY OF FORT WAYNE, INDIANA

Gentlemen:

The undersigned petitioners, do hereby respectfully petition the City Plan Commission and the Board of Public Works of the City of Fort Wayne to vacate the following described easement located within the City of Fort Wayne, Indiana, to-wit:

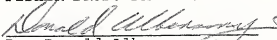
A four (4) foot wide utility easement, extending 72.8 feet east from the east right-of-way of Oakland Street, lying south of Lots #46 and #47 in Fisher Place Addition to the City of Fort Wayne, Indiana

in support thereof, your petitioner would represent as follows:

1. That they are the owners of the real estate abutting on both sides of the easement herein sought to be vacated.
2. That, to the knowledge of the petitioner, no other person, firm or corporation has any interest in the vacation proposed.
3. That the easement sought to be vacated has any purpose other than servicing the land owned by the petitioner.
4. That a fourteen unit apartment building is to be located on the real estate described above.
5. That the petitioner has filed with the Board of Works a petition for the vacation of the above described utility easement, which is presently pending before said board awaiting disposition and the approval of this petition.

Dated this 18th day of January, 1976

FISHER BROS. PAPER COMPANY


By: Donald Albersmeyer
701 E. Columbia
Ft. Wayne, Indiana 46805


STATE OF INDIANA)

) SS:

COUNTY OF ALLEN)

Before me, the undersigned, a notary public in and for County and State, personally appeared Donald Albersmeyer, who acknowledged the execution of the foregoing Petition to Vacate Easement, as and for voluntary act and deed, for the uses and purposes therein contained.

Witness my hand this 18th day of January, 1976



Carol J. Clauser
Carol J. Clauser, Notary Public

My Commission expires:

October 24, 1978

TITLE OF ORDINANCE Utility Easement vacation ordinance 2-76-02-31

DEPARTMENT REQUESTING ORDINANCE COMMUNITY DEVELOPMENT AND PLANNING

SYNOPSIS OF ORDINANCE Petitioners are requesting the vacation of the
following described utility easement:

A four (4) foot wide utility easement, extending 72.8 feet east from the
east right-of-way of Oakland Street, lying south of Lots # 46 and # 47
in Fisher Place Addition, to the City of Fort Wayne, Indiana

EFFECT OF PASSAGE Petitioners are requesting the vacation of utility easement
for the construction of an apartment complex.

EFFECT OF NON-PASSAGE Utility easement would remain

MONEY INVOLVED (Direct Costs, Expenditures, Savings) none

ASSIGNED TO COMMITTEE (J.N.) Regulatory / SSS



CITY OF FORT WAYNE

FORT WAYNE, INDIANA

CHARLES W. WESTERMAN
CITY CLERK

March 12, 1976

Miss Helen Libbing
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, Indiana 46802

Dear Miss Libbing:

Please give the attached full coverage on the dates of March 15 and March 22, 1976, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, Indiana

Bill No. G-76-02-31
General Ordinance No. G-07-76
Vacation of Utility Easement

Bill No. G-76-02-36
General Ordinance No. G-09-76
Rates & Charges for the
Waterworks system

Please send us (5) five copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,

Charles W. Westerman
City Clerk

CWW/ne
ENCL: 2

Common Council of Fort Wayne

(Governmental Unit)

To THE NEWS-SENTINEL

Dr.

Allen

County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Head number of lines

1

Body number of lines

96

Tail number of lines

2

Total number of lines in notice

99

COMPUTATION OF CHARGES

LEGAL NOTICE

Notice is hereby given that on the 9th day of March, 1976, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-76-02-31, G-07-76 General Ordinance, to wit:

BILL NO. G-76-02-31
GENERAL ORDINANCE NO. G-07-76 AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain utility easement

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain utility easement having been filed with the Fort Wayne City Plan Commission on January 19, 1976 following a public hearing thereon, all in accordance with Section 44, Chapter 174, of the Acts of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana Burns Ind. State, 1974 replacement, Sec. 57741, the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963 is amended by deleting the following utility easement, to-wit:

A four (4) foot wide utility easement, extending 72.8 feet east from the east right-of-way of Oakland Street, lying south of Lots No. 46 and No. 47 in Fisher Place Addition, to the City of Fort Wayne, Indiana.

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

JOHN NUCKOLS, Councilman read the third time in full and on motion by Nuckols, seconded by Hinga, and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schnitzler, Talarico
Nays: None

Date: 3-9-76 Charles W. Westerman, City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-07-76 on the 9th day of March, 1976.

Attest: (SEAL)

Charles W. Westerman James S. Siler, City Clerk, Presiding Officer Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of March, 1976, at the hour of 11:00 o'clock A.M.E.S.T.

Approved and signed by me this 11th day of March, 1976, at the hour of 4:15 o'clock P.M.E.S.T.

Robert E. Armstrong Mayor

I, Charles J. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a true, true and complete copy of General Ordinance No. G-07-76 passed by the Common Council on the 9th day of March, 1976, and that said Ordinance was duly signed and approved by the Mayor on the 11th day of March, 1976 and now remains on file and on record in my office. WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 9th day of March, 1976.

CHARLES W. WESTERMAN, CITY CLERK

3-15-22

lines, 1 columns wide equals 99 equivalent lines at \$28.51 cents per line

\$28.51

al charge for notices containing rule or tabular work (50 per cent of above

or extra proofs of publication (50 cents for each proof in excess of two)

1.50

TOTAL AMOUNT OF CLAIM

\$30.01

ING COST

single column 11 ems

Size of type 5 1/2 point

of insertions. 2

Size of quad upon which type is cast 5 1/2

dition and penalties of Ch. 89, Acts 1967,

the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just part of the same has been paid.

19 76

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County } as:

Personally appeared before me, a notary public in and for said county and state, the undersigned V.E. GERKEN who, being duly sworn, says that she is CLERK of the

NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published

in the English language in the city of FORT WAYNE, INDIANA

COPY OF
MENT HERE

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 times, the dates of publication being as follows:

3-15-76 & 3-22-76

Subscribed and sworn to before me this 22nd day of March 1976

My commission expires September 28, 1979

Notary Public

Common Council of Fort Wayne
(Governmental Unit)

To THE NEWS-SENTINEL Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

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COMPUTATION OF CHARGES

99 lines, 1 columns wide equals 99 equivalent lines at .288¢ cents per line

\$ 28.51

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

1.50

TOTAL AMOUNT OF CLAIM

\$ 30.01

DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type 5½ point

Number of insertions 2

Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date March 22, 1976

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana }
Allen County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned V.E. GERKEN who, being duly sworn, says that she is CLERK of the

NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 times, the dates of publication being as follows: 3-15-76 & 3-22-76

Subscribed and sworn to before me this 22nd day of March 1976

My commission expires September 28, 1979

Notary Public

COPY OF
SENT HERE

Common Council of Fort Wayne
(Governmental Unit)

To: JOURNAL-GAZETTE Dr.

Allen

County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

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 charge for notices containing rule or tabular work (50 per cent of above)
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 extra proofs of publication (50 cents for each proof in excess of two)
 30.01
 TOTAL AMOUNT OF CLAIM
 30.01
 SINGLE COST
 Single column 11 ems Size of type 5½ point
 insertions 2 Size of quad upon which type is cast 5½
 on and penalties of Ch. 89, Acts 1967,
 e foregoing account is just and correct, that the amount claimed is legally due, after allowing all just
 of the same has been paid.

LEGAL NOTICE
 Notice is hereby given that on the 9th day of March, 1976, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-76-02-31, G-07-76 General Ordinance, to-wit:

BILL NO. G-76-02-31
 GENERAL ORDINANCE No. G-07-76
 AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain utility easement

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain utility easement having been filed with the Fort Wayne City Plan Commission on January 19, 1976 following a public hearing thereon, all in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 285, of the Acts of 1963 of the General Assembly of the State of Indiana Burns Ind. State, 1974 Replacement, Sec. 53-744), the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963 is amended by deleting the following utility easement, to-wit:

A four (4) foot wide utility easement, extending 72.8 feet east from the east right-of-way of Oakland Street, lying south of Lots No. 48 and No. 47 in Fisher Place Addition, to the City of Fort Wayne, Indiana

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

JOHN NUCKOLS, Councilman
 Read the third time in full and on motion by Nuckols, seconded by Hinga, and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
 Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
 Date: 3-9-76 Charles W. Westerman, City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-07-76 on the 9th day of March, 1976.

Attest: (SEAL)
 Charles W. Westerman, James S. Stier
 City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of March, 1976, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman, City Clerk

Approved and signed by me this 11th day of March, 1976, at the hour of 4:15 o'clock P.M., E.S.T.

Robert E. Armstrong, Mayor

I, Charles J. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above foregoing is a true, true and complete copy of General Ordinance No. G-07-76 passed by the Common Council on the 9th day of March, 1976, and that said Ordinance was duly signed and approved by the Mayor on the 11th day of March, 1976 and now remains on file and on record in my office. WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 9th day of March, 1976.

CHARLES W. WESTERMAN,
 CITY CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana
 ALLEN County } as:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published

in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time s, the dates of publication being as follows:

3-15-76 & 3-22-76

Subscribed and sworn to before me this 22nd day of March 1976

Notary Public

My commission expires September 28, 1979

Common Council of Fort Wayne
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

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Total number of lines in notice

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COMPUTATION OF CHARGES

99 lines, 1 columns wide equals 99 equivalent lines at .2884 cents per line

\$ 28.51

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

1.50

TOTAL AMOUNT OF CLAIM

\$ 30.01

DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type 5 1/2 point

Number of insertions 2

Size of quad upon which type is cast 5 1/2

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date March 22, 1976

Title Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana }
Allen County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE
a DAILY newspaper of general circulation printed and published

in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time s, the dates of publication being as follows: 3-15-76 & 3-22-76

Subscribed and sworn to before me this 22nd day of March 1976

Notary Public

My commission expires September 28, 1979

COPY OF
SENT HERE

JENSENHEIMER

haunted

Two houses or a gasoline sta-
tion died, leaving only ghost
nobody's imagination or flu-
communities which either nev-
ed and sprinkled with quite a
ren County.
re towns, every one. All lo-
adamant? Townley? Summer-

7. Nine Mile was called t
Post Office, all that's left
ettlement at Flatrock R.
Nine Mile is the former local